

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO ALBERTO RODRIGUEZ JR.,

Plaintiff,

No. C 12-04028 JSW

v.

SANTA CLARA COUNTY MAIN JAIL,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION OF
DISMISSAL WITHOUT
PREJUDICE**

This matter comes before the Court upon consideration of Magistrate Judge Paul S. Grewal's Report and Recommendation to dismiss Plaintiff's complaint for failure to prosecute ("Report"). The time for objecting to the Report has now passed, and no party has objected. Accordingly, the matter is ripe for decision.

The Court has considered the Report, relevant legal authority, and the record in this case. The Court finds the Report thorough and well reasoned and adopts it in every respect. In addition to failing to file a case management statement and attend the case management conference, Plaintiff failed to respond to the order to show cause and to file a notice of change of address after his address changed. Northern District Civil Local Rule 3-11(a) requires that "a party proceeding *pro se* whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address." Civil Local Rule 3-11(b) authorizes the Court to dismiss a complaint without prejudice when "(1) Mail directed to the ... *pro se* party by the Court has been returned as not deliverable; and (2) The Court fails to receive within 60 days of this return a written

1 communication from the ... *pro se* party indicating a current address.” Accordingly, this case is
2 HEREBY DISMISSED WITHOUT PREJUDICE for failure to prosecute. The Clerk shall close
3 the file.

4 **IT IS SO ORDERED.**

5
6 Dated: November 15, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARIO ALBERTO RODRIGUEZ JR.,
Plaintiff,

Case Number: CV12-04028 JSW

CERTIFICATE OF SERVICE

v.


SANTA CLARA COUNTY MAIN JAIL et
al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 15, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mario Alberto Rodriguez
P.O. Box 12945
Fresno, CA 93779

Dated: November 15, 2013


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk